

It had, however, acquired title to some adjacent upland upon which a lesser portion of the structure was erected. In holding that the United States had not acquired jurisdiction over any portion of the lands, the Supreme Court of that State said, "It would be somewhat inconsistent to assume that since it does not have such jurisdiction over the major part of the structures which are now being built, the federal government is seeking exclusive jurisdiction over that part of the works located on lands, title to which it has acquired."⁴ When this case was considered on appeal by the Supreme Court of the United States, that court saw another reason why it was apparent that the United States did not intend to exercise exclusive jurisdiction over the premises, namely, that the Government's contract for the construction of the dam provided that the contractor should comply with the compensation laws of Oregon. The court said, "The enforcement and administration of the Oregon compensation law * * * with which the contractors were required to comply, were incompatible with the existence of exclusive legislative authority in the United States."⁵

28. General rule respecting lands acquired before act of February 1, 1940.—If lands were acquired by the United States prior to the approval of the act of Congress of February 1, 1940, *supra*, and the legislature of the State had consented to the purchase of, or had ceded jurisdiction over, such lands, then the jurisdiction granted will be considered as having vested in the United States ipso facto upon consummation of the acquisition of the land,⁶ provided that the act of consent or cession contains no provision having the effect of postponing the time for vesting of jurisdiction, and provided also that there are no circumstances to indicate that the United States does not desire to exercise the jurisdiction granted.

29. Conditions precedent to vesting of jurisdiction in United States.—State statutes sometimes contain special requirements that must be complied with before the jurisdiction granted will vest in the United States, such as the requirement that maps, deeds or complete descriptions of the land shall be filed in the local land records or in other offices designated in the cession statute. A Nevada statute, after giving formal consent to the purchase of lands by the United States, expressly ceded jurisdiction over such lands to the United States "provided that an accurate description and plat of such lands so acquired, verified by the oath of some officer of the general government having knowledge of the facts, shall be filed with the governor of this state." On

⁴ *Atkinson v. State Tax Commission*, 156 Ore. 461; 67 P. (2) 161, 168.

⁵ *Atkinson v. Tax Commission*, 303 U. S. 20, 25, 58 S. Ct. 419.

⁶ *United States v. Holt*, 168 Fed. 141, 147; *United States v. Tucker*, 122 Fed. 518, 520; *United States v. Wurtzbarger*, 276 Fed. 753, 754; *In re Kelly*, 71 Fed. 545; 6 Atty. Gen. 577; 7 Atty. Gen. 571; 7 Atty. Gen. 628.